

REMARKS

Claims 1-5, 8, 10-12, 16-20, 22-24, 26, and 27 are currently pending in the subject application and are presently under consideration. Claims 1, 16, and 27 have been amended to emphasize features of applicants' claimed invention. A version of all pending claims is located at pages 2-6 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

Preliminary Matters

Contrary to the Examiner's statement in the instant Office Action, the disposition of claim 27 was never raised as an issue under 35 U.S.C. §101 in either the Final Office Action dated August 10, 2005, or the Advisory Action dated January 30, 2006. Rather, claim 27 stood rejected under 35 U.S.C. §101 in the Office Action dated February 24, 2005 as the Examiner alleged that the subject claim was directed to non-statutory subject matter because the specification at page 26, line 25-page 27, line 4 defines "computer readable medium" as including intangible media such as carrier waves incapable of being touched or perceived absent of the tangible medium through which they are conveyed, and as such the subject claim was alleged to be non-statutory because the claimed "medium" is not limited to tangible media. (*See* Office Action dated February 24, 2005). In response to this erroneous assertion, applicants' representative put argument forth in the Reply to Office Action dated February 24, 2005 contesting the categorization of claim 27 as falling within the ambit of 35 U.S.C. §101 which the Examiner subsequently accepted as being persuasive in the Final Office Action dated August 10, 2005 stating:

With respect to rejection of claim 27 under 35 USC 101, the claim has been reconsidered as a statutory claim, as it has been treated and/or limited to a tangible product or medium when the claim called for "A computer readable medium for storing computer executable instructions ...". (*See* Final Office Action dated August 10, 2005, page 3).

Consequently, in view of the fact that the claim at issue was not further rejected under 35 U.S.C. §101 in either the Final Office Action dated February 24, 2005, or the Advisory

Action dated January 30, 2006 was clear indication the disposition of the subject claim under 35 U.S.C. §101 had been satisfactorily settled and that no further amendments were necessary to satisfy the strictures of 35 U.S.C. §101.

I. Rejection of Claim 27 Under 35 U.S.C. §101

Claim 27 stands rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. In particular, the Examiner once again alleges that since the specification at page 26, line 25-page 27, line 4 defines “computer readable medium” as including intangible media such as carrier waves incapable of being touched or perceived absent of the tangible medium through which they are conveyed, the subject claim is non-statutory because the claimed “medium” is not limited to tangible media. This rejection should be withdrawn for at least the following reasons. Claim 27 has been amended herein to clarify the ambit of applicants’ claimed invention. Nevertheless, it should be noted that the subject claim has been amended herein solely to expedite fruitful prosecution of the subject claimed invention. It is still applicants’ representative’s position that the rejection of claim 27 under 35 U.S.C. §101 is in error for reasons set forth in the Reply to Office Action dated February 24, 2005 to which the Examiner in the Final Office Action dated August 10, 2005 conceded were persuasive. Accordingly, this rejection should be withdrawn.

II. Rejection of Claims 1-5, 8, 10-12, 16-20, 22-24, 26, and 27 Under 35 U.S.C. §103(a)

Claims 1-5, 8, 10-12, 16-20, 22-24, 26, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Call (US 2002/0143521 A1) in view of Houben *et al.* (US 2002/0147745). This rejection should be withdrawn for at least the following reasons. Call and Houben *et al.*, either alone or in combination, do not teach or suggest each and every feature recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j). The ***teaching or suggestion to make the claimed combination*** and the reasonable expectation of success ***must be found in the prior art and not based on the Applicant's disclosure***. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants' claimed invention relates to parsing XML and particularly to an object-oriented pull model XML parser. More particularly, the claimed invention provides a configurable, object-oriented pull model XML parser that exposes an interface that facilitates abstracting input sources. The object-oriented pull model parser facilitates incrementally and selectively parsing data from an XML document thereby mitigating over-parsing problems associated with conventional systems (*e.g.*, excessive memory and/or processing requirements). Because the pull model parser is object-oriented and exposes an interface, the claimed subject matter simplifies interactions with other programs, processes, objects and the like, that in turn facilitate providing high-level abstractions of XML data sources. Moreover, since XML can contain external entity references, the claimed subject matter can selectively expand such external reference thus providing flexibility advantages concerning document location and entity expansion over conventional systems. Further since an XML document can contain invalid and/or ill-formed XML the claimed invention can determine whether pulled XML is well formed and/or valid, where well-formedness comports with, for example, World Wide Web Consortium (W3C) standards, and where validity concerns adherence to one or more user defined formats such as, for example, Document Type Declarations (DTDs) and/or schema. Additionally, the parser associated with the claimed subject matter facilitates parsing data as a virtual node is moved over a stream of XML data. Pulling nodes from an input stream in such a manner provides advantages over conventional systems in that if a user does not wish to parse certain nodes in an input stream, the virtual node can overlook or pass over these undesired nodes without presenting them for parsing. Such a facility thus significantly reduces the amount of data that the parser and/or user program

needs to interact with and simplifies conventional processes like stopping parsing when a certain point in the input stream is reached. To this end, independent claims 1, 16, and 27 recite similar features, namely: *a scanner that parses an XML stream to locate at least one XML token associated with an XML item, **the XML stream includes information from at least two data stores.*** Call and Houben *et al.*, alone or in combination, do not teach or suggest these features of applicants' claimed invention.

Call relates to electronic data processing systems and more particularly, to methods and apparatus for storing and transmitting both variable length data (including text) and fixed length data and for performing processing operations on such data. While the cited document provides mechanisms for storing and manipulating XML documents and provides an API for processing documents in accordance with the interface specification for the Document Object Model (DOM) as defined by the Word Wide Web Consortium (W3C), or by means of a SAX API, the cited document however, does not provide that the XML stream from which an XML item is to be extracted comprises information from at least two data sources. Call is silent with regard to this salient aspect of the claimed subject matter. In contrast, applicants' claimed invention can parse an XML stream that comprises information from two or more sources to locate XML tokens associated with an XML item. It is thus submitted that the primary document is distinguishable from the invention as claimed in this respect. Additionally, as the Examiner acknowledges, Call fails to disclose *a retriever that ... **exposes data model and/or Infoset information associated with the pulled XML item.*** In order to remedy this deficiency the Examiner offers Houben *et al.*

Houben *et al.* relates generally to document servers and more specifically to document servers integrated with legacy data systems. However, like the primary document, the secondary document does not teach or suggest a scanner that parses an XML stream to locate at least one XML token associated with an XML item such that the XML stream includes information from at least two data stores. Houben *et al.*, like Call above, is silent regarding this pertinent aspect of applicants' claimed invention. Accordingly, since neither Call nor Houben *et al.* make obvious the applicants' claimed invention, withdrawal of this rejection with respect to independent claims 1, 16, and 27 (and associated dependent claims) is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP298US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731